

superfamily members, classified in class 530, subclass 350;

Group II: Claims 8-14, to the extent that they are drawn to a recombinant method of protein synthesis, classified in class 435, subclass 69.7;

Group III: Claims 9-14 to the extent that they are drawn to an enzymatic method of protein synthesis, classified in class 435, subclass 68.1;

Group IV: Claims 9-14, to the extent that they are drawn to a non-recombinant method of protein synthesis, classified in class 530, subclass 333;

Group V: Claims 15-16, drawn to a method of tissue regeneration, classified in class 514, subclass 12; and

Group VI: Claim 17, drawn to an immunoassay, classified in class 435, subclass 7.1.

The Examiner asserts that the inventions encompassed by Groups I-VI are patentably distinct from one another and have acquired a separate status in the art. Moreover, the Examiner asserts that claims 1-17 are generic to a plurality of disclosed patentably distinct species comprising a single species represented by:

a single species selected from the group consisting of:

- a. a finger 1 subdomain derived from a second, different member of the TGF- β superfamily; and
- b. a finger 1 subdomain derived from a third, different member of the TGF- β superfamily; and

a single species selected from the group consisting of:

- c. a heel subdomain derived from a second, different member of the TGF- β superfamily; and

- d. a heel subdomain derived from a third,
different member of the TGF- β superfamily;
in combination with,
- e. a finger 2 subdomain derived from a first
member of the TGF- β superfamily;
- f. a conserved C-terminal cysteine domain.

In response to this requirement, applicants elect the subject matter of Group I (claims 1-7), with traverse, for further prosecution in this application. Applicants also elect, with traverse, species a, c, e and f. Applicants make this election of the Group I claims expressly without waiver of their right to file for and obtain claims directed to the non-elected subject matter in divisional or continuing applications claiming priority and benefit herefrom, or from a related application, under U.S.C. § 120.

The Examiner further asserts that claims 15 and 16 are generic to a plurality of disclosed patentably distinct species comprising the species listed in claim 16.

As stated above, applicants have elected Group I claims for further prosecution. Group I consists of claim 1-7. Accordingly, the species election with respect to claims 15 and 16 is obviated.

Applicants note that should the Examiner allow the generic, applicants will be entitled to consideration of claims to additional species which are written in a dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. 1.141 (see MPEP § 809.02(a)).